

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3845 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

LALITABEN KALIDAS CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Petitioner
M/S MG DOSHIT & CO for Respondent No. 1
MR BP TANNA for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 11/08/1999

ORAL JUDGEMENT

The petitioner was serving as a teacher in a primary school called KH Gajjar Vidyalaya run and managed by a private institution in Ahmedabad. The recognition of the school was cancelled in 1981-82 and the school was closed down. The petitioner approached the authorities in the Education Department of the State Government and it appears that the Director of Primary and Adult

Education instructed the Administrative Officer of Ahmedabad Municipal School Board to absorb the employees of primary schools which were required to be closed down. The petitioner's grievance is that inspite of the aforesaid instructions, the respondent Corporation is not absorbing the petitioner in the primary school of the respondent Corporation, though some other teachers of primary schools which were so closed down were absorbed.

2. The controversy raised in this petition is by now squarely covered by the decision dated 9.8.1999 of this Court in Special Civil Application No. 4792 of 1985. This Court has held therein that there was no law under which the Government could compel the Ahmedabad Municipal School Board to absorb the teachers employed by private schools which were closed down. This Court also referred to the examples of Chimanlal Vyas and Smt. Padmaben and the defence of the Ahmedabad Municipal School Board that the said teachers were appointed after following due procedure.

3. In view of the above decision, this petition deserves to be dismissed and is accordingly dismissed.

Rule is discharged with no order as to costs.

August 11, 1999 (M.S. Shah, J.)

sundar/-